(Spl.-H.C.A.S.,C.D.,78-e)

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF BOMBAY AT GOA
APPELLATE SIDE

WRIT PETITION NO. 480 OF 2004

Office Note, Office Memoranda of Quorum, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Mr. R. B. D'Sa, advocate for the petitioner.

CORAM : B. H. MARLAPALLE, J.

DATE : 28th October, 2004.

P.C.:

Heard Mr. R. B. D'Sa, learned advocate for the petitioner, who is the plaintiff in Regular Civil Suit No.298/91. The suit has been pending for the last more than 13 years and after the plaintiff's oral evidence was closed, the defendant submitted an application for placing on record the report of Mr. Shridhar Kamat, an Engineer, at Exh.52-D. This was opposed by the plaintiff. After hearing both the parties and analysing the legal position as was relied upon by the respective parties, the learned First Additional Civil Judge, Senior

Division at Margao, was pleased to allow the application and leave to place the engineer's report has been granted.

2. There is no dispute that the defendants' evidence has yet to commence and the plaintiff has the opportunity to cross-examine the witnesses of the defendants even on the Engineer's report, which is allowed to be placed on record. The view taken by the trial Court cannot be termed as grossly erroneous calling for interference under Article 227 of the Constitution.

3. The petition is, therefore, rejected summarily.

B. H. MARLAPALLE, J.

mc.